IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 584 of 2005

Between:

E.Surya Chandra Gowd, S/o.Pullaiah Gowd, Fair Price Shop Dealer,
R/o.Kamaganikuntla, Dhone Mandal, Kurnool District.

..... PETITIONER

AND

1 The District Collector, Kurnool District.
2 The Joint Collector, Kurnool District.
3 The Revenue Divisional officer, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in dismissing the appeal vide proceedings Rc.No. CS3/394/2004 dt. 29-12-2004 without looking into the evidence produced by the petitioner as illegal, arbitrary, malafide against the provisions of control order 2001 and consequently set aside the suspension orders issued by the 3rd Respondent, pending the disposal of the revision before the 1st Respondent.

Counsel for the Petitioner:MR.K.V.RAGHU VEER

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The petitioner is a fair price shop dealer of Kamaganikunta Village, Dhone Mandal, Kurnool District. The authorization of the petitioner was suspended by the 3rd respondent through order, dated 08-10-2004, on the allegations that he sold the essential commodities at higher rates to the cardholders and supplied in lesser quantities. Aggrieved thereby, the petitioner preferred an appeal before the 2nd respondent. When no interim orders were granted in the appeal, the petitioner approached this Court twice by filing writ petitions. Ultimately, the 2nd respondent rejected the appeal of the petitioner through order, dated 29-12-2004. The same is challenged in this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of appeal under Clause 20 of the A.P. State Public Distribution System Control Order, 2001, before the 2nd respondent against the order passed by the 3rd respondent. When no interim orders were passed in his favour, the petitioner approached this Court on two occasions. This Court passed an order, dated 21-12-2004, in W.P.No.23820 of 2004, directing that the order passed by the 3rd respondent shall remain stayed till the 2nd respondent disposes the appeal. The appeal was taken up for hearing immediately, and was rejected finally through order, dated 29-12-2004. For all practical purposes, the stay granted by this Court did not enure to the benefit of the petitioner.

While rejecting the appeal, the 2nd respondent took the view that the record discloses that there is *prima facie* material against the petitioner. This Court is not inclined to take a different view on the facts, at this stage. The truth or otherwise of the allegations against the petitioner needs to be considered by the 3rd respondent in the final proceedings. The 3rd respondent can be directed to expedite the said proceedings.

Hence, the writ petition is disposed of directing the 3rd respondent to conclude the proceedings initiated against the petitioner, within four weeks from the date of receipt of a copy of this order. It is further directed that in case the 3rd respondent does not dispose of the proceedings, the order of suspension passed against the petitioner shall stand stayed and the petitioner shall be entitled to function as dealer. There shall be no order as to costs.

27-01-2005

Note:Furnish C.C. in three days.

(B/o) GJ

To

1 The District Collector, Kurnool District.
2 The Joint Collector, Kurnool District.
3 The Revenue Divisional officer, Kurnool District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad. (OUT)

5 Two C.D. copies.